

AMENDMENT AND RESPONSE

PAGE 8

Serial No.: 10/655,829

Filing Date: September 5, 2003

Attorney Docket No. 125.082US01

Title: AUTOMATIC LAYOUT FILL GENERATOR

REMARKS

Applicant has reviewed the Office Action mailed on July 14, 2005 as well as the art cited. Claims 1, 2, 11, 13, 22, 23 and 30 have been amended. Claims 1-32 are pending in this application.

Specification

The Examiner objected to the language in the abstract of the disclosure. The Applicant has amended the abstract to be in compliance with MPEP section 608.01(b). Accordingly, the Applicant respectfully requests the withdrawal of the objection to the Abstract.

Claim Objections

The Examiner objected to Claims 1-32 because of informalities. In particular, the inconsistency of using the terms "empty areas" and "empty spaces." The Applicant has amended the claims to correct the inconsistencies. Accordingly, the Applicant respectfully requests the withdrawal of the objection of claims 1-32.

Rejections Under 35 U.S.C. § 102

Claims 1-32 was rejected under 35 USC § 102(b) as being anticipated by Smith et al., (U.S. Patent Application No. US2003/0229875). To establish a section 102 rejection, a single reference must teach every aspect of the claim either explicitly or inherently. MPEP 706(02).

The Applicant has amended each of the independent claims to further distinguish the present invention from the Smith et al. reference. In particular, the Applicant has amended each of the independent claims to include the aspect of using a "recursive partition algorithm" in generating fill patterns to fill empty areas. The Smith et al. reference relates to a fill method that divides a layout into grids and compares line widths, line spacing and densities. Please see paragraph [0026] and [0124] of the Smith et al. reference. This is not using a "recursive partition algorithm," as is disclosed and now claimed in each of the independent claims. Since, the Smith et al. reference does not teach every aspect of the independent claims as now amended, the

AMENDMENT AND RESPONSE**PAGE 9**

Serial No.: 10/655,829

Filing Date: September 5, 2003

Attorney Docket No. 125.082US01

Title: AUTOMATIC LAYOUT FILL GENERATOR

Applicant respectfully requests the withdrawal of the rejection of the claims under section 102(a). Since the Applicant believes that all the claims are allowable of the above reason, further arguments regarding all of the rejections have not been put forth in this response. The Applicant, however, retains the right to address said rejections if a further response is required.

AMENDMENT AND RESPONSE

PAGE 10

Serial No.: 10/655,829

Filing Date: September 5, 2003

Attorney Docket No. 125.082US01

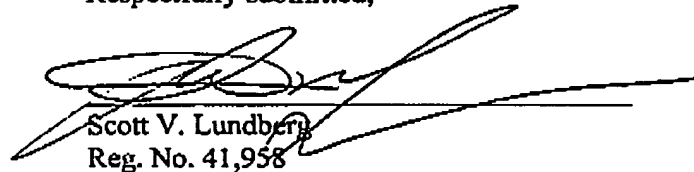
Title: AUTOMATIC LAYOUT FILL GENERATOR

CONCLUSION

Applicant respectfully submits that claims 1-32 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 455-1690.

Respectfully submitted,

Date: 1-6-06

Scott V. Lundberg
Reg. No. 41,958

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T - (612) 332-4720
F - (612) 332-4731